REMARKS/ARGUMENTS

Claims 1-13 and 15-28 are presented for the Examiner's consideration. Claim 13 has been amended to include the limitations of previous claim 14, and claim 14 has been canceled. Claim 17 has been amended to correct its dependency in view of the canceled claim 14. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Kuske does not teach or suggest each and every element of the claimed invention.

By way of the Office Action mailed March 23, 2007, the Examiner rejects claims 1-28 under 35 U.S.C. § 103(a) as allegedly being obvious and thus unpatentable over USPN 6,318,555 to Kuske et al (hereinafter "Kuske"). This rejection is respectfully **traversed.**

To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

With respect to independent claims 1 and 13, there is no motivation or suggestion in Kuske for one of skill in the art to modify the Kuske disclosure to achieve the claimed invention, and the Examiner has not described any motivation or suggestion outside of Kuske to do so. Kuske and the present application describe completely different ways of reducing at least one dimension of absorbent article. Kuske describes compressing a stack of absorbent articles to decrease the thickness of the stack. See col. 3, line 64 to col. 4, line 10 and Fig. 4. The compression reduces the thickness 68 of the stack of absorbent articles. Although the absorbent articles in Kuske appear to be folded once, no further folding is contemplated by Kuske. Such an article might or might not be folded; the status of folding is irrelevant to the comparison as long as, presumably, the

article has the same folds before and after compression. There is no evidence that the width and height dimensions of Kuske's article change appreciably under Kuske's compression. As a result, the ratio between the folded configuration and the unfolded configuration of Kuske's article also does not change appreciably under Kuske's compression. As a result, Kuske does not teach experimenting with the folding of an absorbent article, only compressing the article's thickness.

Contrarily, the present invention claims a reduction in the overall dimension of an absorbent article by folding the absorbent article. The resulting folded article may very well have an increased thickness compared to an unfolded article, which is opposite the effect sought by Kuske. That the folding of the present Invention and the compression of Kuske are not equivalent may be further illustrated by examining Fig. 4 in Kuske. Folding each absorbent article again, such that each article has two folds, would likely nearly double the thickness 68 of the stack, whereas Kuske actually sought to reduce the thickness 68 of the stack by compressing the stack.

The comparison of folded verses unfolded configuration areas in the present application is quite dissimilar from the comparison of compressed verses uncompressed thicknesses in Kuske. There is no way to compare a thickness compression ratio to an area reduction ratio as these are separate and independent physical mechanisms.

The Examiner states that Kuske discusses compressing an absorbent article as the *In re Aller* "general condition" one skilled in the art may optimize through routine experimentation. Because Kuske describes only compressing a stack of articles to make the stack thinner, one skilled in the art may be led to experiment with compressing a stack of articles to make the stack thinner. But that experimentation will not reduce the folded dimensions of the article as required by the claimed invention. There is nothing in Kuske that teaches that any article folding beyond a typical, perfunctory fold is desirable or even possible. Kuske does not teach or suggest the claimed invention to one skilled in the art.

Second, the Examiner has not described in any manner how or even if there might be a reasonable expectation of success in modifying Kuske.

Third, all the claim limitations are not taught or suggested by the prior art reference. As stated above, any teachings or suggestions in Kuske are on completely different subject matters from that of the claimed invention.

Therefore, the rejection of independent claims 1 and 13 (as well as their respective dependent claims) is respectfully requested to be withdrawn.

With respect to claims 2, 3, 5-7, 9, and 18-28, the Examiner recognizes that the Kuske reference does not disclose the rigidity of the walls of the package. However, the Examiner opines that the teaching of Kuske would have been obvious to one of ordinary skill in the art to make such a different rigidity walled package, as set forth in Applicants' application. The Applicants assert that such a reading of Kuske is not proper, that Kuske could not be so modified to obtain the Applicants' invention, and that Kuske presently does not teach the Applicants' subject invention. In particular, turning to Kuske at column 3, line 57 to column 4, line 58, and namely column 4, lines 16-36, it is clear that the packaging material taught in Kuske is a material with a homogenous rigidity. Much differently, the subject application calls for the package being made of a first piece of material and a second piece of material, where one of the pieces of material (i.e., that is the entire piece of material, although it need not have the same rigidity but the entire piece would have a characteristic rigidity) being more rigid than the other piece of material. Thus, for the subject invention, it is the entire piece of material that is more rigid than the other piece of material.

Differently, Kuske only teaches a uniform rigidity for the entire packaging. And while the packaging may have a weakened area 74 to permit access, as noted by the Examiner, such does not speak to the entire piece of material having a different rigidity but rather such just teaches a piece of material having a weakened line in it. To teach such a multi-rigidity container based on Kuske and the general state of the art would be contrary to the claimed teaching in Kuske. For at least these reasons, claims 2, 3, 5-7, 9, and 18-28 cannot be rendered obvious by Kuske. Thus, the rejection of these claims is respectfully requested to be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-8863.

Respectfully submitted,

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